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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/772,259

12/23/96

MASAKI

K

1185.1018/JD

ESM1/0815

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NGUYEN, T

ART UNIT

PAPER NUMBER

2507

DATE MAILED:

08/15/97

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The drawing(s) filed on 12/96 is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement filed on 4/2/97 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56© most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

1. The drawings submitted with this application were declared informal by the applicant. Accordingly they have not been reviewed by a draftsman at this time. When formal drawings are submitted, the draftsman will perform a review.

Direct any inquiries concerning drawing review to the Drawing Review Branch at phone number (703) 305-8404.

2. The drawings are objected to because each of figures 4 and 5 contains information which is not in English language. Correction is required.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: In figure 2, the figure

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contains an element which is labeled as "7"; however, the specification has not provide a definition or a name for the element labeled as "7". It is also noted that applicant has stated at page 9 that the items shown in figure 2 which are similar to those of the prior art shown in figure 11 will have the same reference. However, in figure 11, the numerical reference "7" is used to refer to a lamp (see page 2, line 12) while the numerical reference "7" of figure 2 seems to imply to a reflector. Correction is required.

4. Figures 11-14 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See specification at pages 1-5 and 8-9. See MPEP § 608.02(g).

#### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Rejections - 35 USC § 112***

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) Each of claims 1 and 4 is rejected under 35 USC 112, second paragraph because the feature "the general plane" (claim 1 on line 4, and claim 4 on lines 13-14) lacks a proper antecedent basis.

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b) The remaining claims are dependent upon the rejected base claims and thus inherit the deficiencies thereof.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

1. Claims 1-3, as best as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gloor et al (U.S. Patent No. 4,298,249, submitted by applicant).

Gloor et al disclose an optical system having a reflector (6) for controlling the light. The reflector (6) having a plural of projections in triangular shape wherein one slope of each projections is used as a diffusing surface. It is also noted that the plural projections are extended in one common direction and are repeatedly arranged in a direction perpendicular to the common direction. See columns 3-4 and figure 2, for example.

2. Claims 1-3, as best as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Ishikawa et al (U.S. Patent No. 5,600,455).

Ishikawa et al disclose an optical member (1) for controlling the light. The member (1) having a plural of projections (10) in triangular shape wherein one slope (11) of each projections

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is used as a diffusing surface. It is also noted that the plural projections are extended in one common direction and are repeatedly arranged in a direction perpendicular to the common direction. See column 3 and figure 7, for example.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko et al (Japanese reference No. 63-206701) in view of Gloor et al or Ishikawa et al.

Kaneko et al disclose a light diffusion device having a light source (1), a light transmitting member (2) having a varying thickness gradually decreasing away from its incident surface, and a light controlling element (4) disposed along the exiting surface of the light emitting surface for controlling the light coming from the light emitting surface. See the English abstract and figs. 1 and 4c, for example. Kaneko et al do not clearly state that the light control element (4) comprises a plural projections having slopes inclined to a general plane of the element wherein part of the slop defining a light diffusible surface. However, the use of a light control element which comprises a plural projections having slopes inclined to a general plane of the element wherein part of the slop defining a light diffusible surface is disclosed in the art as can be seen in the

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reflector (6) of the optical device disclosed by Gloor et al or the diffuser (1) of the optical device disclosed by Ishikawa et al. In particular, Gloor et al disclose an optical system having a reflector (6) for controlling the light. The reflector (6) having a plural of projections in triangular shape wherein one slope of each projections is used as a diffusing surface. It is also noted that the plural projections are extended in one common direction and are repeatedly arranged in a direction perpendicular to the common direction. See columns 3-4 and figure 2, for example. In the same viewpoint, Ishikawa et al disclose an optical member (1) for controlling the light. The member (1) having a plural of projections (10) in triangular shape wherein one slope (11) of each projections is used as a diffusing surface. It is also noted that the plural projections are extended in one common direction and are repeatedly arranged in a direction perpendicular to the common direction. See column 3 and figure 7, for example. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the optical device as provided by Kaneko et al by using a light controlling member which comprises a plural projections wherein part of the slopes of each projections are roughed as suggested by Gloor et al or Ishikawa et al for the purpose of diffusing a light beam.

### *Conclusion*

1. The U.S. Patent cited in the form PTO-1449 and made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references are cited as of interest in that each teaches a surface light source having a light controlling member with prismatic projections formed on one surface thereof.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exam. Nguyen whose telephone number is (703) 308-4814. The fax phone number for this Group is (703) 308-7726.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Nguyen

08/06/97



THONG NGUYEN  
PRIMARY EXAMINER  
GROUP 2500